

ESTTA Tracking number: **ESTTA193279**

Filing date: **02/18/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91181494
Party	Defendant Bensal, Michael David
Correspondence Address	BENSAL, MICHAEL DAVID PO BOX 5306 CONCORD, CA 94524-0306 mbensal@aol.com
Submission	Other Motions/Papers
Filer's Name	Dan Augustyn
Filer's e-mail	law@danaugustyn.com
Signature	/Dan Augustyn/
Date	02/18/2008
Attachments	Bensal Motion.pdf (2 pages)(16423 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Big Boy Restaurants	:	
International LLC	:	
	:	
Plaintiff,	:	
	:	Opposition No. 91181494
v.	:	Serial No. 77196584
	:	Mark: BIG BOY TEQUILA
Michael David Bensal	:	
	:	
Defendant.	:	

ALTERNATIVE MOTIONS ON BEHALF OF DEFENDANT

Defendant hereby requests that he be allowed to expressly abandon the application of the above identified mark without prejudice.

ALTERNATIVELY, if such request above is not granted without prejudice,

Defendant hereby requests a thirty (30) day extension of time, until 3/19/2008, in which to negotiate a settlement of this matter with the Plaintiff. This motion is not made with consent, because Plaintiff has not returned the request of Defendant's counsel to communicate on this matter.

ALTERNATIVELY, if neither such request above is granted,

Defendant hereby requests he be granted leave to answer and a thirty (30) day extension of time, until 3/19/2008, in which to answer, move, or otherwise plead in response to the Notice of Opposition filed by the Plaintiff. This motion is not made with consent, because Plaintiff has not returned the request of Defendant's counsel to communicate on this matter.

By /Dan Augustyn/ Date 2/18/2008
Daniel Augustyn attorney for Michael David Bensal.
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been served upon Plaintiff's attorney Jennifer A. Bourgoin Big Boy Restaurants International LLC One Big Boy Drive, Warren, MI 48091, address provided by said attorney, by depositing a true copy thereof with the United States Postal Service as first-class mail on February 18, 2008.

Dated: February 18, 2008

/Dan Augustyn/
Daniel Augustyn attorney for Michael David Bensal